

DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

Re: [REDACTED]

Dear Counselor;

This disclosure relates to Police Officer Michael Laborde, Tax No. 954037 ("Laborde") whom the People have called as a witness in the above case.

On May 20, 2017, Laborde was assigned to the arrest of [REDACTED] M [REDACTED], [REDACTED] G [REDACTED], and [REDACTED] W [REDACTED], who were charged with Robbery in the Second Degree and Gang Assault in the Second Degree. Laborde was interviewed by the assigned Assistant District Attorney Christopher Hirsch ("Hirsch"). Laborde told Hirsch in sum and substance and among other things that a person named N [REDACTED] told Laborde that all three defendants, along with approximately 12 others, punched and kicked N [REDACTED] and a second victim. Laborde confirmed to Hirsch that he could swear to these facts.

Laborde signed and swore to a felony complaint that said:

"I am informed by a person known to the District Attorney's Office that informant observed the defendants and approximately twelve other people strike informant and informant's brother whose identity is known to the District Attorney's Office with their fists and feet. I am further informed that informant suffered bruising to his head and abrasions to his elbows and knees as a result of the defendants' actions. I am further informed that informant's brother was admitted to the hospital with a fractured skull and broken eye socket that resulted from defendants' actions."

N [REDACTED] was the informant referred to in the felony complaint.

On May 30, 2017, N [REDACTED] was interviewed by ADA Hirsch. N [REDACTED] told Hirsch that that defendant W [REDACTED] may have been there, but he could not state for certain whether W [REDACTED] was present nor what if anything W [REDACTED] had done.

On August 3, 2017, to the best of ADA Hirsch's recollection, Laborde again confirmed to Hirsch that defendants W [REDACTED] and G [REDACTED], were arrested based on N [REDACTED]'s information alone. Laborde also stated, however, that given N [REDACTED]'s despondent state on the night of the incident, it was difficult to properly interview him.

On February 16, 2018, Laborde and N [REDACTED] had a conversation in the District Attorney's office that was witnessed by Hirsch. During this conversation, N [REDACTED] insisted that he never identified W [REDACTED]. N [REDACTED] was specifically asked whether he ever told Laborde that "they" or all three defendants had participated in the assault. N [REDACTED] insisted that he never identified W [REDACTED] in any way. By the end of the conversation, Laborde accepted N [REDACTED]'s version of the events, specifically that N [REDACTED] had not identified W [REDACTED] as one of the assailants. Laborde explained that it had been a long and confusing night. Information had come to him from many sources and he was probably mistaken when he wrote the case up.

Shortly before March 12, 2018, while preparing Officer Laborde for trial, Laborde again insisted to Hirsch that the felony complaint was accurate and N [REDACTED] was not remembering facts accurately. Hirsch asked Laborde how this was possible given the conversation that occurred on February 16 when he accepted N [REDACTED]'s version of events and blamed his mistake on his weariness and confusion. Laborde said that he had been trained not to challenge victims. He stated that he did not understand that the purpose of the conversation was to for him to challenge N [REDACTED]'s recollection in hopes of better understanding which version of the events was accurate. Despite the history of differing explanations offered by Laborde, he maintained that a despondent N [REDACTED] provided the information used in the felony complaint.

On June 13, 2018, while preparing Laborde for trial, Laborde stated that N [REDACTED] told him the following in substance:

M [REDACTED] was the initial aggressor who had been walking down the block with G [REDACTED]. M [REDACTED] stated in substance, "You had better not be looking this way." N [REDACTED] or a member of his group responded in substance that they were not looking his way. The exchange became aggressive and M [REDACTED] and G [REDACTED] were joined by a larger group that came from Jefferson Houses. At some point, N [REDACTED] observed G [REDACTED] throwing punches. M [REDACTED]'s group overtook N [REDACTED] and his friends and chased N [REDACTED] and J [REDACTED] down 3rd avenue. M [REDACTED] struck J [REDACTED] with a belt while about 12 others punched and kicked J [REDACTED]. At some point N [REDACTED] tried to call for help, but his phone was taken by an unknown member of the group. Most importantly, N [REDACTED] stated that defendant W [REDACTED] may have been there, but he could not state for certain whether W [REDACTED] was present nor what W [REDACTED] had done.

Hirsch then recounted the Laborde's various statements about what N [REDACTED] had told Laborde in order to bring the inconsistencies Laborde's attention. After going through this history, Laborde stated that at the time the felony complaint was drafted, he was aware of an identification procedure involving another eye witness who had identified W [REDACTED]. Laborde may have apologized for not telling Hirsch about this identification by the other eye witness before. Hirsch asked Laborde whether he was certain that N [REDACTED] had not identified W [REDACTED] as one of the perpetrators. Laborde confirmed that Norberto had never implicated W [REDACTED]. Hirsch asked Laborde why he had signed the felony complaint if N [REDACTED] had not implicated W [REDACTED]. Laborde stated that he "screwed up." Laborde explained that the case came at the end of a long shift, he was tired, and he just wanted to go home.

On June 14, 2018, Hirsch had another conversation with Laborde about, among other things, the felony complaint. Hirsch asked Laborde what he knew at the time the felony complaint was drafted. In contrast to what he said the day before, Laborde stated that he was not sure whether or not he knew of other eye witness's identification of W [REDACTED] at the time the felony complaint was drafted. Laborde stated that, at the time he signed the felony complaint, he knew that N [REDACTED] had not implicated W [REDACTED] and his statement was falsely attributed. Laborde accepted responsibility for his actions.

The People reserve the right to move the court, *in limine*, for an order precluding or limiting the use of the information disclosed in this letter.

[REDACTED]